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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,502	03/26/2004	Mao Asai	9683/176	8169

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EXAMINER
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PERKEY, WILLIAM B

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/810,502

Applicant(s)

ASAI ET AL.

Examiner

William B. Perkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213..

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07-19-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: Claim 1 does not end with a period. Claims are supposed to have a period at the end. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. (Pub. No. US 2002/0030749 A1) in view of Kubo et al. (U.S. Patent No. 6,795,715 B1) and Niikawa et al. (Pub. No. 2002/0171747 A1).

Nakamura et al. discloses an image capturing apparatus having a plurality of camera devices D1 and D2; a camera controlling means 41-48 that includes a selecting means 48,42 for selecting either camera device D1 or camera device D2 and a camera object generating means as elements 41-45 generating the image data.. Thus, Nakamura et al. discloses the claimed invention except for a communication terminal and for including attributes corresponding to the camera device as part of the generated camera object. Niikawa et al. discloses that various attributes of the image may be manually selected such as still or continuous, image quality, image resolution etc. Niikawa et al. discloses that this sort of data may be stored in a header area that is associated with the image data and that the stored images may be displayed on the display 24 as well as the manually selected attribute data. It would have been obvious to one of ordinary

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skill in the art at the time of applicant's invention to provide the image capturing apparatus of Nakamura et al. in a communication terminal such as in a cell phone in order to obtain the desirable feature of a cell phone with good quality still and video type image generation. It would have been obvious to further provide the image capturing device of Nakamura et al. with conventional attribute features of image capturing devices such as manual selection of various camera parameters such as image quality, resolution, single or video mode, etc. storing the attribute information (which is part of the generated camera object) in a storage device, and reproducing the stored image and attribute information in order to obtain the desirable feature of displaying the stored images on the display of the device. The displayed still or continuous (video) images appear to be of a "unified format".

4. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Official Notice (MPEP 2144.03).

The rejection based on the references as set forth in the above paragraph meets the claim limitations as explained above except for the camera device controlling means pausing the execution, when the camera function calling means calls in accordance with said program another program of claim 2 and the camera device controlling means acquiring the number and image size and image size of the image data stored in said camera object. Official Notice is taken that cell phones with digital cameras in them conventionally contain programs that pauses the program in order to run a sub-routine before continueing on with the program. This is a common ordinary programming technique well known at the time of applicant's invention. It would have been obvious to one of ordinary skill in the art to use sub-routines within the program that runs the CPU of the Nakamura et al. image capture devices and the cell phone

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functions that were added to it in the above rejection in order to obtain the desirable feature of simplifying the make up the computer program. Official Notice is taken that the number of and the size of the captured images were well as selective attributes of electronically capturing an image at the time of applicant's features. To include conventional features such as selection of the number of images and the image size into the image capture device of Nakamura et al. would have been obvious in order to obtain the desirable feature of obtaining captured images of a desired number and size.

### **Telephone Numbers**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William B. Perkey  
Primary Examiner  
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